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EXAMINER

CHANNAVAJALA, SRIRAMA T

ART UNIT	PAPER NUMBER
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2166

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/864,260

Applicant(s)

KIDO, TOSHIHARU

Examiner

Srirama Channavajjala

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 15-29, 33-43, 47, 48 and 51-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 15-29, 33-43, 47, 48 and 51-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to RCE

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/5/2007 has been entered, and a non-final Office action is follows:
2. Claims 1-10, 15-29, 33-43, 47-48, 51-60 are pending in this application.
3. Claims 1,15,21,34,35,48,51-57 have been amended [
4. Examiner acknowledges applicant's amendment filed on 6/14/2006.
5. Claims 1,15,21,35,51-57 have been amended [6/14/2006].
6. Claims 1, 15, 21, 34-35, 48, 51-56 have been amended [11/23/2005].
7. Claims 57-59 have been added [11/23/2005].
8. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/14/2005 has been entered, and a non-final Office action was mailed on 15 Feb 2006.
9. Examiner acknowledges applicant's amendment filed on 12/9/2004.
10. Claims 11-14,30-32,44-46,49-50 have been cancelled [12/9/2004]

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11. Claims 1, 15, 21, 34-35, 48, 51-56 have been amended [12/9/2004].
12. In view of applicant cancelled claims 11-14, amended claim 15, 52, rejection under 35 USC § 101 as set forth in the previous office action is hereby withdrawn.
13. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/9/2004 has been entered, and a non-final Office action mailed on 9/9/2004
14. Examiner acknowledges applicant's amendment filed on 6/08/2004.
15. Claims 1, 11, 15, 21, 30, 34, 35, 44, 48, 51-56 have been amended dated 6/8/04.
16. Examiner acknowledges applicant's amendment filed on 1/15/2004, paper no. 6.
17. Claims 1, 11-15, 21, 34-50 have been amended, paper no. # 6.
18. Claims 51-56 have been added, paper no. # 6.
19. Examiner acknowledges applicant's "new Abstract" at page, paper no. # 6.

Drawings

20. The drawings filed on 8/4/2002 are approved for examination purpose.

Information Disclosure Statement

21. The information disclosure statement filed on 8/13/2001, paper no. # 2, 6/12/2002, paper no. # 3, has been considered, a copy of PTO-1449 is herewith enclosed with this office action, paper no. # 4.

Priority

22. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d) based on Japanese Patent Application No. **2000-374801** filed on **12/8/2000**. The certified copy has been filed in parent Application No. 09/864,260, filed on **5/25/2001**.

Claim Rejections - 35 USC § 112

23. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

24. Claims 35-47, 48, 55, 56 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure, which is not enabling. The explanation of the term "***a mechanically or by chemical action***" [specification: page 28, line 26] with respect to "a storage medium readable by a machine....." critical or essential to the practice of the invention, although at page 28, line 16-25 storage medium examples are given, but not "***a mechanically or by chemical action***" which can be all read by the computer given in the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

More specifically, it is not clear as to what is meant by a mechanically or by chemical action which can be all read by the computer and relationship with "readable-by-computer recording medium" and no where been defined, given examples in the specification and in the drawing.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

25. Claim 35-47,48,55,56 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the preamble reads: "A storage medium readable by a machine tangible embodying a program of instructions executable by the machine to perform functions comprising:

It is not clear what is meant by "A storage medium readable by a machine.....". although, in the specification at page 28, line 16-25, storage medium examples are given, however, it is not clearly "mechanically or by chemical action" which can be all read by the computer" [see specification page 28, line 26], further there is no "concrete" examples given in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. Claims 1-10, 15-29,33-43,47-48,51-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legall, et al., WO 98/43183 [hereafter Legall] in view of Snyder, US Patent No. 6643641 filed on April 27,2000.

27. As to Claims 1,21,35, 51, 53,55, Legall teaches a system which including 'an information processing system' [fig 1], 'a storage unit storing information' [fig 1, element 130], storing unit corresponds to Legall's memory as detailed in fig 1, 'a control unit' [fig 1, element 130], control unit corresponds to Legall's CPU, element 130, page 4, line 14-16] comprising:

'a location information identifying unit searching information specifying a data store destination storing location information where data exists' [page 5, line 9-16], Legall specifically teaches information is being identified, it allows to access variety both external or internal databases as detailed in page 5, line 13-16, data store destination storing location corresponds to external or internal resources that including all variety of databases; 'and in response to the searching, identifying locating information in the data store destination' [page 5, line 10-16], locating information corresponds to variety of

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resources or databases that identifies locating information because typically these resources are databases;

'a searching unit searching said identified locating information in said data store destination' [page 5, line 13-16, page 6, line 2-5], Legall specifically teaches search engine to search the World Wide Web that identifies required information based on search available on the world wide web;

'a judging unit judging whether the data located by the locating information comes under a predetermined category' [page 4, line 18-25, page 5, line 1-2, line 8-13, page 8, line 8-12, fig 3C], it is noted that Legall specifically teaches categories, sub categories that including data or topic or information listed based on the user query, especially user query having keyword(s), 'said data file containing the data' [fig 2, element 215], data file containing the data corresponds to Legall's fig 2, element 215

'storage unit, storing the locating information to collect pieces of locating information for locating where the data exist when the data is judged to come under the predetermined category' [page 7, line 19-26, page 8, line 1-13], Legall specifically teaches basic configuration of system typically including "Sony PC" having input, output, memory and other related components are shown in fig 1, therefore, storage unit is integral part of Legall's teaching, further, Legall also specifically teaches "electronic program guide or EPG, particularly EPG elements or program listing categorized, ie., categories and subcategories are searched using search tool or searching categories that corresponds to predetermined category as detailed in page 8, line 1-13;

'a sequence determining unit determining a sequence of reproducing a content data searched' [page 11, line 6-9], Legall specifically teaches multiple web pages or sites in accordance with the search criteria are arranged in a sequence for the user or presented to the user as detailed in page 11, line 6-9; 'based on predetermined parameters set by a user' [page 11, line 23-26], Legall specifically suggests user is able to change or edit the content to meet the search criteria that corresponds to predetermined parameters set by a user; 'and a reproduction time of the content data' [page 9, line 22-24], Legall specifically teaches predetermined parameters that including reproduction time for example predetermined parameters such as: length, start time, end time are part of the predetermined parameters, therefore, at minimum, Legall teaches not only predetermined parameters set by the user, but also start and end time for generation of the program is part of the sequence of reproducing the required information;

'a reproduction control unit controlling a reproduction of the content data in accordance with the reproducing sequence' [page 11, line 9-16], Legall specifically teaches multiple web pages or sites are reproduced both forward or back across the multiple sites in the display window as detailed in page 11, line 9-16.

It is however, noted that Legall does not specifically teach 'file identifier indicating one of a plurality of categories of data in a data file containing the data located by the locating information', although Legall suggests searching variety of categories, subcategories that including topics, audio, video, HTML web pages, further displaying multiple web sites as detailed in page 11, line 3-16.

On the other hand, Snyder disclosed 'file identifier indicating one of a plurality of categories of data in a data file containing the data located by the locating information' [col 5, line 61-65, col 7, line 39-42, col 15, line 49-50, col 17, line 51-57, col 25, line 4-7, line 23-24, col 32, line 53-61], Snyder specifically teaches file identifier that corresponds to "HTML, GIF, JPG, jpg , see fig 2] associated with respective data stored and cross referenced to the criteria in the database that identifies the corresponding web page or document [see col 5, line 61-65], further it is noted that Snyder specifically teaches web search engine with graphic information , therefore, Snyder teaches file identifier indicating different categories of data, and storing the same.

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Snyder into integrated search of electronic program guide, internet and other information resources of Legall because both Legall, Snyder are directed to storing, search, accessing information over a network, more specifically both are directed to searching variety of information over internet [see Legall: page 2, fig 1; Snyder: fig 1-3,], and both are directed to user interface where user issues search criteria, particularly, Snyder's object is for searchable data files, for example html data pages, including text and linked graphics [Snyder: col 4, line 62-67]

One of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Snyder into integrated search where user to select from predetermined categories such as title or subject of Legall because that would have allowed users of Legall to specifically search file extensions and associated data

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categories, as a result search results appears on the users browser include links to the web pages as suggested by Snyder [col 6, line 23-27], further graphic information may be associated with hyperlink to the search result or hit page URL using HREF=<URL, as a result, when displaying the search results also displays the graphic snapshot image as suggested by the Snyder: col 10, line 60-67, fig 3, bringing the advantages of additional graphic snapshot image information as detailed in fig 3.

28. As to Claim 2, Legall teaches a system which including 'a communication unit for accessing a network, or a communication connection module through which said communication unit is connected' [Legall: fig 3A, page 7, line 9-15; Legall specifically teaches for example search tool or search engine that interacts with different information resources such as internet, cable broadcast, satellite broadcast that corresponds to communication connection or communication unit for accessing a network, 'control unit searches the locating information retained in other information processing system on the network' [page 6, line 2-4; 19-27, page 7, line 1-5, fig 3a-3b], Legall directed to searching on network, more specifically searching information using Internet such as Yahoo that corresponds to information processing, querying or searching on the network, further Legall also suggests user can switch from one web site to another seamlessly for searching required information as detailed in page 6, line 19-27.

29. As to Claim 3, Legall teaches a system which including 'communication unit receives a selection criterion for selecting the data' [fig 3A], 'control unit judges whether

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or not the data is coincident with the selection criterion and collects pieces of locating information tracing to the data coincident with the selection criterion'

[fig 3Bpage 7, line 9-24].

30. As to Claim 4, 38, Legall teaches a system which including 'input unit receives an input of the selection criterion for selecting the data' [fig 1, element 115, fig 3A-3B, line 18-25] selection criterion for selecting the data corresponds to fig 3A, element 314; 'control unit judges whether or not the data is coincident with the selection criterion and collects pieces of locating information tracing to the data coincident with the selection criterion' [fig 3B, page 7, line 9-24].

31. As to Claim 5, Legall teaches a system which including 'communication unit receives a request for collecting the locating information from a terminal device connected to the network' [fig 1], 'control unit gets the collected locating information displayed on said terminal device' [fig 3B].

32. As to Claim 6,25-26, 39-40, Legall teaches a system which including display unit for displaying the information, or a first connection module through which said display unit is connected' [fig 1, fig 3B], Legall specifically teaches displaying various information based on user search criterion as detailed in fig 3B, 'control unit gets the collected locating information displayed on said display unit' [page 7, line 23-26, page 8, line 1-2, fig 3B].

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33. As to Claim 7, 10, 27, 41, Legall teaches a system which including 'control unit searches character information related to the data, and gets the character information displayed in a way of being combined with the locating information' [page 8, line 1-6, line 17-20].

34. As to Claim 8, 28, 42, Legall teaches a system which including 'categories of the data are still image data, sound data, animated image data, text data, or combinations thereof' [page 7, line 23-26].

35. As to Claim 9, Legall teaches a system which including 'an input unit' [fig 1, element 115], 'a display unit displaying information, or a first connection module through which said display unit is connected' [fig 1, fig 3B], display unit corresponds to fig 1, element 120, Legall specifically teaches displaying various information based on user search criterion as detailed in fig 3B, 'a sound output unit outputting sounds, or a second connection module through which said sound output unit is connected' [page 7, line 25-26, fig 3A, element 328], sound output unit outputting sounds corresponds to fig #A, element 328; 'wherein said control unit, when commanded to output the data via said input unit, gets the content described by the data outputted to said display unit or said sound output unit' [fig 3A, line 15-26].

36. As to Claim 15, 34, 48, 52,54,56, Legall teaches a system which including 'a communication unit accessing a network,[Legall specifically teaches connecting to world wide web, fig 1, element 110, fig 3A, element 312],

'a computer processor programmed by programming modules to control the system,[fig 1, page 4, line 14-18], Legall specifically teaches computer processor and typically BIOS as detailed in fig 1;

the programming modules comprising: a communication connection module through which said communication unit is connects the system to the network [fig 3A, page 7, line 9-15], accessing a network or communication connection corresponds to Legall's search engine connected though either Internet or www or cable broadcast, or satellite broadcast or combination of thereof as detailed in fig 3A, ELEMENT 312,310,308;

'a locating information identifying unit searching information specifying a data store destination storing locating information for locating where data exists' [page 5, line 9-16], Legall specifically teaches information is being identified, it allows to access variety both external or internal databases as detailed in page 5, line 13-16, data store destination storing location corresponds to external or internal resources that including all variety of databases; and in response to the searching, identifying locating information in the data store destination' [page 5, line 10-16], locating information corresponds to variety of resources or databases that identifies locating information because typically these resources are databases;

'a searching unit searching said identified locating information in said data store destination' [page 5, line 13-16,page 6, line 2-5], Legall specifically teaches search engine to search the world wide web;

'a judging unit judging whether the data located by the locating information comes under a predetermined category' [page 4, line 18-25, page 5, line 1-2, line 8-13, page 8, line 8-12, fig 3C], it is noted that Legall specifically teaches categories, sub categories that including data or topic or information listed based on the user query, especially user query having keyword(s), 'said data file containing the data' [fig 2, element 215], data file containing the data corresponds to Legall's fig 2, element 215

'a storage unit storing a list of the data judged to come under a predetermined category as a condition of the data', [page 7, line 19-26, page 8, line 1-8]; Legall specifically teaches basic configuration of system typically including "Sony PC" having input, output, memory and other related components are shown in fig 1, therefore, storage unit is integral part of Legall's teaching;

'a sequence determining unit determining a sequence of reproducing a content data searched' [see Abstract, page 11, line 3-17], Legall specifically teaches for example multiple web sites that met the search criteria are being presented such as web site URL(s) as detailed in page 11, line 9-13; 'based on predetermined parameters set by a user' [page 11, line 23-26], Legall specifically suggests user is able to change or edit the content to meet the search criteria that corresponds to predetermined parameters set by a user; 'and a reproduction time of the content data' [page 9, line 22-24], Legall specifically teaches predetermined parameters that including reproduction time for example predetermined parameters such as: length, start time, end time are part of the predetermined parameters, therefore, at minimum, Legall teaches not only

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predetermined parameters set by the user, but also start and end time for generation of the program is part of the sequence of reproducing the required information

'a reproduction control unit controlling the reproduction of the content data in accordance with the reproducing sequence' [page 11, line 17-26, page 12, line 1-7];

'an output device outputting the reproduced content data to a user'[fig 3A, element 330, page 7, line 18-23], output device corresponds to fig 1, element 120, fig 3A, element 330;

37. Further as to Claim 54,56 limitation 'searching, in the locating information of the data store destination, content data coincident with a predetermined condition' [col 11, line 9-16], Legall specifically teaches firstly search is performed on the EPG using search tool as detailed at page 10, line 24-25, secondly, search or query may be performed using keywords and combination of logical operators or simply operators such as AND, OR, NOT and like that corresponds to search predetermined condition as detailed in page 13, line 8-11; thirdly, data coincident with predetermined condition is integral part of Legalli's teaching because the search results produce multiple result(s) that meet search criteria as detailed in page 11, line 9-13.

It is however, noted that Legall does not specifically teach 'file identifier in a data file containing the data located by the locating information', although Legall suggests searching variety of categories, subcategories that including topics, audio, video, HTML web pages, further displaying multiple web sites as detailed in page 11, line 3-16.

On the other hand, Snyder disclosed 'file identifier indicating one of a plurality of categories of data in a data file containing the data located by the locating information' [col 5, line 61-65, col 7, line 39-42, col 15, line 49-50, col 17, line 51-57, col 25, line 4-7, line 23-24, col 32, line 53-61], Snyder specifically teaches file identifier that corresponds to "HTML, GIF, JPG, jpg, see fig 2] associated with respective data stored and cross referenced to the criteria in the database that identifies the corresponding web page or document [see col 5, line 61-65], further it is noted that Snyder specifically teaches web search engine with graphic information , therefore, Snyder teaches file identifier indicating different categories of data, and storing the same.

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Snyder into integrated search of electronic program guide, internet and other information resources of Legall because both Legall, Snyder are directed to storing, search, accessing information over a network, more specifically both are directed to searching variety of information over internet [see Legall: page 2, fig 1; Snyder: fig 1-3,], and both are directed to user interface where user issues search criteria, particularly, Snyder's object is for searchable data files, for example html data pages, including text and linked graphics [Snyder: col 4, line 62-67].

One of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Snyder into integrated search where user to select from predetermined categories such as title or subject of Legall because that would have

allowed users of Legall to specifically search file extensions and associated data categories , as a result search results appears on the users browser include links to the web pages as suggested by Snyder [col 6, line 23-27], further graphic information may be associated with hyperlink to the search result or hit page URL using HREF=<URL, as a result, when displaying the search results also displays the graphic snapshot image as suggested by the Snyder: col 10, line 60-67, fig 3, bringing the advantages of additional graphic snapshot image information as detailed in fig 3.

38. As to Claim 16, Legall teaches a system which including content data are retained in other system accessible via a network' [see fig 3A], network corresponds to Internet or WWW.

39. As to Claim 17, Legall teaches a system which including 'predetermined condition is specified by a user' [page 9, line 2-18].

40. As to Claim 18, Legall teaches a system which including 'predetermined condition is to specify a specific genre of the content' [page 9, line 19-25].

41. As to Claim 19, Legall teaches a system which including 'predetermined condition is to specify a specific data category' [page 10, line 3-5].

42. As to Claim 20, Legall teaches a system which including 'content data are stream data' [page 11, line 3-13].

43. As to Claim 22, 36, Legall teaches a system which including ' data are stored in an information processing system on the network' [see fig 1-3].

44. As to Claim 23-24, 33, 37, 47, Legall teaches a system which including 'receiving a selection criterion for selecting the data' [page 6, line 21-25], 'judging whether or not the data is coincident with the selection criterion, wherein pieces of locating information tracing to the data coincident with the selection criterion are collected' [fig 3B, page 7, line 9-24].

45. As to Claim 29, 43, Legall teaches a system which including 'selecting the data indicated by the locating information' [page 6, line 24-27, page 7, line 1-5], 'giving a command to output the data' [page 8, line 17-26]. 'Outputting the content' [fig 2], Legall specifically teaches displaying the content that corresponds to outputting the content on the screen or window.

Claim Rejections - 35 USC § 102

46. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

47. ***Claims 57-59 are rejected under 35 U.S.C. 102(b) as being anticipated by Legall, et al., WO 98/43183 [hereafter Legall], published on Oct 01,1998.***

48. As to claim 57, Legall teaches a system which including 'receiving from a user [fig 1, element: 115], a request for an electronic program guide' [fig 3A, element 306], electronic program guide corresponds to Legall's EPG, fig 3A, element 306, the request including filtering information' [fig 3A, element 304-305, page 6, line 21-23];

'in response to receiving the request, searching a content provider site [page 5, line 8-13, page 6, line 2-5] to identify a location associated with a content file' [page 5, line 12-13, page 6, line 8-9], content provider corresponds to page 6, line 4, Yahoo search engine provider, content file corresponds to HTML file or URL as detailed in page 5-6;

'searching the identified location to determine that a characteristic of the content file corresponds with the filtering information' [page 7, line 9-18], Legall specifically teaches searching various or different information resources for example internet as detailed in fig 3a, further, Legall system specifically provides filter criteria for example as

detailed in fig 3a, element 304 and displaying the content or highlight that meet the filter criteria as detailed in page 7, line 15-18];

'determining a sequence of reproducing the content file searched, controlling reproduction of the content file in accordance with the reproducing sequence' [page 11, line 9-16]; Legall specifically teaches multiple web pages or sites in accordance with the search criteria are arranged in a sequence for the user or presented to the user as detailed in page 11, line 6-9, further it is noted that Legall suggests multiple web pages or sites are reproduced both forward or back across the multiple sites in the display window as detailed in page 11, line 9-16; 'based on predetermined parameters set by a user' [page 11, line 23-26], Legall specifically suggests user is able to change or edit the content to meet the search criteria that corresponds to predetermined parameters set by a user; 'and a reproduction time of the content data' [page 9, line 22-24], Legall specifically teaches predetermined parameters that including reproduction time for example predetermined parameters such as: length, start time, end time are part of the predetermined parameters, therefore, at minimum, Legall teaches not only predetermined parameters set by the user, but also start and end time for generation of the program is part of the sequence of reproducing the required information

'generating an electronic program guide that includes the location' [page 7, 18-19, line 23-25], electronic program guide corresponds to fig 3A, element 316, also see fig 3C, fig 4, element 432.

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49. As to claim 58, Legall disclosed 'selecting a content provider site to search according to the filtering information' [[page 5, line 2-4, line 9-13, page 6, line 19-21, page 7, line 12-15].

50. As to claim 59, Legall disclosed 'file name extension' [page 5, line 12-13, line 19-22, fig 2, element 215], file name extension corresponds to HTML.

51. ***Claim 60 is rejected under 35 U.S.C. 102(b) as being anticipated by Kato, US Patent No. 5,809,512 published on Sept 15, 1998.***

52. As to claim 60, Kato teaches a system which including 'method of collecting locating information for indicating a location of data' [col 4, line 43-50, fig 66, fig 71A], Kato specifically teaches not only collecting data, but also storing the extracted data in a storage location as detailed in col 4, line 43-50;

'extracting a file identifier indicating of a plurality of categories of data in a data file containing the data located by searching identified locating information in a data store destination' [col 4, line 50-58], Kato specifically teaches file identifiers for example hyperlinks to two still pictures data files, such as pic1.fif, pic2.gif, [col 4, line 58], pics.html, movs.html [col 4, line 55], file identifiers corresponds to Kato's file extensions as detailed in col 4, line 55, 58; further Kato also teaches client terminal is connected to the hypervideo mail server computer as detailed in fig 34-35, therefore, data store destination corresponds to hypervideo mail server computer;

the identified locating information identified in response to searching information specifying the data store destination storing locating information for locating where data exists '[col 5, line 50-57], Kato specifically teaches when user performs searching or selection operation, locating the data files having specific file name extensions as detailed in col 5, line 50-57;

'storing the locating information in a sequence, the locating information correlating to predetermined file identifier indicating one of plurality of categories of file identifiers in the extracting, the sequence based on predetermined parameters set by a user and a reproduction time of the content data'[col 10, line 35-49, col 30, line 48-53, line 64-67, col 31, line 1-5, line 13-16, fig 1fig 7-9], Kato specifically teaches storing the data files in a specific data section having hypertext data, particularly, storage locations of the subject matter data files [fig 8, element 214c] corresponds to data files, predetermined parameters set corresponds to monomedia data items, i.e., still picture items, set of video items, set of hypervideo items, reproduction time of the content data corresponds to subject matter data files other than the reference video clip, the starting times being specified in terms of frame number of the reference video clip as detailed in col 10, line 46-49;

'reproducing the data in accordance with the determined reproducing sequence' [col 11, line 13-20], Kato specifically teaches video clip sequence are maintained as count of frame numbers with reference to video clip, further, the contents of specific subject matter files of hypervideo clip at respective times determined in accordance with the count as detailed in col 11, line 13-20.

Response to Arguments

53. Applicant's arguments filed on 1/5/2007 with respect to claims 1-10, 15-29, 33-43, 47-48, 51-59 have been fully considered but they are not persuasive, for examiners' response, see discussion below:

a) At page 16, examiner considered the applicant's arguments of claims 35-38, 55, 56 under 35 USC 112 first paragraph, but not persuasive because, "storage medium readable by a machine....." is critical or essential to the practice of the invention, however, examiner cannot find "***explicit and deliberate definition***" from the specification for "a mechanically or by chemical action", therefore the applicant's explanation with respect to "a mechanically or by chemical action" is not persuasive.

In view of above argument[s], examiner maintains claims 35-48 rejected under 35 USC 112 second paragraph.

As explained in the previous office action, it is noted that in the specification, at page 28-30, there are two separate categories:

Category one: is directed to "*readable-by-computer recording medium*" [page 28, line 16-27, page 29, line 1-6].

Category two is directed to "*Data communication Signal embodied in Carrier Wave*" [page 29, line 7-27, page 30, line 1-2].

Further, it is noted that "**SIGNALS**" are not part of the "storage medium", i.e., exclusive of communication signal such as "**Carrier Waves**".

See "Interim Guidelines" [pages 13-22,50-59]

**For "General Analysis for Determining Patent-Eligible Subject Matter",
see 101 Interim Guidelines as indicated below.**

<<<http://www.uspto.gov/web/offices/pac/dapp/ogsheet.html>>>

see MPEP 8th edition, Rev 5, Aug 2006

No new matter should be entered.

b) At page 17-18, claim 1, applicant's argues that Legall and Snyder either singularly or in combination, fail to disclose, teach or suggest "determining a sequence of reproducing a content data searched based on predetermined parameters set by a user and a reproduction time of the content data"

As to the above argument b], as best understood by the examiner, Legall specifically teaches multiple web pages or sites in accordance with the search criteria are arranged in a sequence for the user or presented to the user as detailed in page 11, line 6-9, further Legall also suggests multiple web pages or sites are reproduced both forward or back across the multiple sites in the display window as detailed in page 11, line 9-16.

Legall also teaches 'based on predetermined parameters set by a user' [page 11, line 23-26], Legall specifically suggests user is able to change or edit the content to meet the search criteria that corresponds to predetermined parameters set by

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a user; 'and a reproduction time of the content data' [page 9, line 22-24], Legall specifically teaches predetermined parameters that including reproduction time for example predetermined parameters such as: length, start time, end time are part of the predetermined parameters, therefore, at minimum, Legall teaches not only predetermined parameters set by the user, but also start and end time for generation of the program is part of the sequence of reproducing the required information;

It is noted that Legall does not specifically suggests "file identifier indicating one of a plurality of categories of data in a data file containing the data located by the locating information", although Legall specifically suggests both categories, subcategories that including not only topics, HTML web pages, but also audio, video as detailed in page 11, line 3-16. On the other hand, Snyder suggests various file identifiers for example HTML, GIF, JPG, as detailed in fig 2, associated with respective data stored and cross referenced to the criteria in the database that identifies the corresponding web page or document [see Snyder: col 5, line 61-65].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Snyder into integrated search of electronic program guide of Legall because both Legall and Snyder are specifically directed to Internet search engines [see Legall: page 2, fig 1; Snyder: fig 1-3], both Legall and Snyder at least suggests HTML web page displayed on the user

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interface [see Legall: fig 2; Snyder: fig 2, element 86] i.e., both Legall and Snyder teaches user interface where user search criteria, selection criteria.

One of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Snyder into integrated search where user to select from predetermined categories such as title or subject of Legall because that would have allowed users of Legall to specifically search file extensions and associated data categories, as a result search results appears on the users browser include links to the web pages as suggested by Snyder [col 6, line 23-27], further graphic information may be associated with hyperlink to the search result or hit page URL using HREF=<URL, as a result, when displaying the search results also displays the graphic snapshot image as suggested by the Snyder: col 10, line 60-67, fig 3, bringing the advantages of additional graphic snapshot image information as detailed in fig 3.

Examiner applies above discussed arguments to claims 1-10,15-20,22-29,33-43, 47-48,51-59.

Claim 60 [new] is rejected as being anticipated by Kato, US Patent No. 5809512 as detailed above.

Conclusion

The prior art made of record

- a. WO 98/43183
- b. US Patent No. 6643641
- c. US Patent No. 5809512

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

- b. US Patent No. 6486892
- c. US Patent No. 6163316
- d. US Patent No. 6351467
- e. US Patent No. 6081263
- f. US Patent No. 6460181
- g. US Patent No. 6486892
- h. WO 00/26762
- i. Aseel Ibrahim et al., Multimodal Dialogue systems for interactive TV applications, publishing date unknown, pp 1-6
- j. US Patent No. 6081840
- k. US Patent No. 6832220

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is 571-272-4108. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, T, can be reached on (571) 272-3978. The fax phone numbers for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

SC
Patent Examiner.
January 19, 2007.


SRIRAMA CHANNAVAJJALA
PRIMARY EXAMINER